

REMARKS

Claims 1-2 and 5-6 are pending in this application. By this Amendment, claims 1 and 5 are amended. No new matter is added. Reconsideration of this application is respectfully requested.

The Office Action rejects claims 1-2 and 5-6 under 35 U.S.C. §102(e) over U.S. Patent No. 6,892,669 to Xu et al. ("Xu"). The rejection is respectfully traversed.

Claim 1 recites a CVD system " wherein . . . radicals in the plasma are introduced into the film deposition chamber from the plasma generator via through holes of said lower plate that are distributed across said lower plate,. . . **[the] lower plate further including a reserve space and a plurality of diffusion holes** that are distributed across said lower plate and interspersed with said through holes, whereby a surface area of said lower plate includes an interspersed distribution of both diffusion holes and through holes, and said material gas is directly supplied into the film deposition chamber through **said reserve space and said plurality of diffusion holes** to react with said radicals supplied through said through holes in the film deposition chamber."

Support for this feature may be found throughout the original specification and drawings. For example, specific support may be found at least page 9, lines 2-13; page 10, lines 14-21; and Fig. 2.

Xu is a continuing application of U.S. patent application 09/435,625 (filed November 8, 1999), which is a continuing application of U.S. patent application 09/255,852 (filed February 23, 1999, and issued as U.S. Patent 6,245,396 on June 12, 2001).

An accurate translation of the certified priority document will be submitted to perfect the claim for priority. The September 28, 1999 priority date of the present application is before the May 24, 2001 **actual** filing date of Xu and before the November 8, 1999 **actual** filing date of U.S. patent application 09/435,625, but after the February 23, 1999 **effective**

filing date of Xu (i.e., the filing date of the parent application that matured into U.S. Patent 6,245,396, hereinafter the "396 patent").

In rejecting the present application under 35 U.S.C. 102(e), the Office Action assumes that the features described in Xu and relied upon by the Examiner as a basis for the rejection are supported by the earlier applications. This is incorrect.

For example, with respect to the lower plate recited in the claims of the present application, the Office Action cites col. 6, lines 1-36; col. 6, lines 60-67; col. 7, lines 1-15; and Figure 1, specifically, partitioning wall section 14, interior space 24, and diffusion holes 26. Applicant respectfully submits that none of the cited passages and none of the Figure features (i.e., 14, 24, 26) are described in the 396 patent.

For example, a cross-section of partitioning wall section 14 is described in Xu with respect to Fig. 2 and includes interior space sections 24a and 24b, as well as diffusion holes 26 and through-holes 25. However, the corresponding feature in the parent 396 patent (i.e., partitioning plate 15), as described in the 396 patent with respect to Fig. 2, only includes through-holes 22 and does **not** include interior space sections 24a and 24b and does not include diffusion holes 26 (e.g., see the 396 patent at col. 4, lines 6-15 and Fig. 2).

Based on the above, Applicants respectfully submit that the features cited by the Office Action from Xu as the basis for rejecting the present claims under 35 U.S.C. 102(e) are not entitled to the filing date of the 396 patent and, therefore, cannot be relied upon to reject claims that include such features.

Accordingly, it is respectfully submitted that claim 1 is patentably distinguishable from the cited reference for at least the reasons addressed above. Claim 5 includes features similar to claim 1 and, therefore, is patentably distinguishable from the cited reference for at least the same reasons. Claims 2 and 6 depend from claims 1 and 5, respectively, and are likewise patentably distinguishable over the applied art for at least their dependence on

allowable base claims, as well as for additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

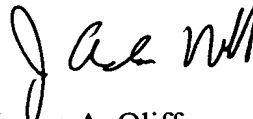
Additionally, Xu and the claimed invention were, at the time of the invention, commonly owned or subject to an obligation of assignment to the same assignee.

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In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-2 and 5-6 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: June 16, 2006

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